

Serial No. 10/603,487

Amendment in Resp. to Off. Action of Dec. 15, 2005

UTILITY PATENT

B&D No. JK01493

REMARKS

Applicant has amended Claims 35, and canceled Claims 36-40. Currently in the above-identified application therefore are Claims 35, 50 and 55-58.

The Examiner has rejected Claims 50 and 55-58 under 35 USC § 112, first paragraph, for failing to comply with the enablement requirement. In particular, the Examiner notes that "it is unclear how the rotatable shaft can move 'towards the front portion of the miter base and towards the rear portion.'" This rejection is respectfully traversed.

As explained in paragraph 0028 of the Specification, arm 90 has cammed surfaces 110 which push against output translation gear 50, moving it towards the front of the miter saw. Since output translation gear 50 is fixedly attached to transverse shaft 40, shaft 40 is moved towards the front portion of the miter base.

The Examiner rejected Claims 38-40 under 35 USC § 112, second paragraph, as being indefinite. Applicants have canceled Claims 38-40, rendering such rejection moot.

The Examiner has rejected Claim 35-36 under 35 USC § 102(b) as anticipated by US Patent No. 6,067,885 ("Brunson"). Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 35, as amended, calls for a miter saw comprising a base, a bevel support pivotally attached to the base, the bevel support being pivotable about a first substantially horizontal axis, a saw assembly pivotally attached to the bevel support, the saw assembly comprising a blade, a guard for covering a portion of the blade, and a handle connected to the

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guard, the saw assembly being pivotable about a second substantially horizontal axis between a first position adjacent to the base and a second position away from the base, the first and second axes being substantially perpendicular, and a front bevel lock mechanism disposed on the base, comprising a grippable portion rotatably attached to the base, the grippable portion having a cam surface, a generally cylindrical shaft extending from the bevel housing to the grippable portion, the generally cylindrical shaft being constructed to rotate and tension/detension the generally cylindrical shaft by operation of the cam surface, and wherein tensioning of the shaft by engagement of the cam surface results in the bevel housing being orientated in a fixed position, wherein the guard is substantially between the bevel support and the front bevel lock mechanism.

Admittedly, Brunson discloses a base, a bevel support pivotally attached to the base, the bevel support being pivotable about a first substantially horizontal axis, a saw assembly pivotally attached to the bevel support, the saw assembly comprising a blade, a guard for covering a portion of the blade, and a handle connected to the guard, the saw assembly being pivotable about a second substantially horizontal axis between a first position adjacent to the base and a second position away from the base, the first and second axes being substantially perpendicular, and a front bevel lock mechanism disposed on the base.

Brunson however does not disclose a grippable portion rotatably attached to the base. Instead, handle 54 is rotatably attached to the shaft 40. In addition, Brunson does not disclose a shaft being constructed to rotate. Instead, shaft 40 is fixedly attached to 14 and thus does not rotate. Finally, Brunson does not teach the blade guard being substantially between the bevel housing and the front bevel lock mechanism. Instead, the bevel housing is disposed between the blade guard and handle 54.

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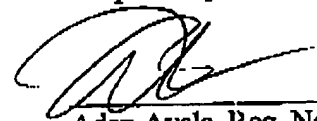
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By contradistinction, Claim 35 requires (a) "a grippable portion rotatably attached to the base," (b) "the generally cylindrical shaft being constructed to rotate and tension/detension the generally cylindrical shaft by operation of the cam surface," and (c) "the guard [being] substantially between the bevel support and the front bevel lock mechanism." Because Brunson does not teach or suggest any of these elements, it cannot anticipate Claim 35.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 35, 50 and 55-58 are respectfully requested.

No fee is due for the present amendment. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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